

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

BEN AUTRY CAMPBELL, JR.
TX-1325877-G

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DOCKETED COMPLAINT NO. 13-299

AGREED FINAL ORDER

On the 21 day of Nov, 2014, the Texas Appraiser Licensing and Certification Board, (the "Board"), considered the matter of the certification of Ben Autry Campbell, Jr. (the "Respondent").

In order to conclude this matter, Respondent neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order.

FINDINGS OF FACT

1. Respondent Ben Autry Campbell, Jr. is a Texas state certified general real estate appraiser who holds certification number TX-1325877-G and was certified by the Board during all times material to the above-noted complaint.
2. Respondent appraised real property located at 504 Circle Drive, Sunset Beach, Texas (the "property") on or about January 15th, 2013.
3. On or about August 8, 2014, a complaint was filed with the Board by Joseph Kuzner, a staff appraiser with Flagstar Bank. The complaint alleged that the Respondent produced an appraisal report for the property that contained violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").
4. On or about August 9, 2014, the Board notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board, which was received.
5. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(6) and 155.1(a) by the following acts or omissions which did not conform to the USPAP:
 - a) USPAP Record Keeping Rule – Respondent's work file did not contain the documentation necessary to support his analyses, opinions and conclusions;

- b) USPAP Scope of Work Rule; 1-2(h) & 2-2(b)(v)(ii) – Respondent failed to perform the scope of work necessary to develop credible assignment results;
- c) USPAP Standards 1-2(e)(i) & 2-2(b)(iii) – Respondent failed to identify and report the site description for the property adequately;
- d) USPAP Standards 1-3(a) & -2(b)(viii) – Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
- e) USPAP Standards 1-3(b) & 2-2(b)(viii) – Respondent failed to provide a summary of his rationale for his termination of the property's highest and best use;
- f) USPAP Standards 1-4(b)(i) & 2-2(b)(viii) – Respondent failed to employ appropriate methods or techniques to determine the property's site value and did not provide his supporting rationale for this determination;
- g) USPAP Standards 1-4(b)(ii) & 2-2(b)(viii) – Respondent failed to collect, verify, analyze and reconcile the cost new of improvements;
- h) USPAP Standards 1-1(a) & 1-4(b) – Respondent did not employ recognized methods and techniques in his cost approach;
- i) USPAP Standards 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a) – Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in his sales comparison approach;
- j) USPAP Standards 1-5(a) & 2-2(b)(viii) – Respondent failed to analyze all agreements of sale, options or listings of the subject current as of the effective date of the appraisal;
- k) USPAP Standards 1-6(a) (b), and 2-2(b)(viii) – Respondent failed to reconcile the quality and quantity of the data within the approaches to value used and the applicability or suitability of the approaches;
- l) USPAP Standards 1-1(a), 1-1(b), and 1-1(c) – For the reasons detailed above, Respondent produced an appraisal for the property that contained substantial errors of omission or commission by not employing correct methods and techniques as detailed above. This resulted in an appraisal that was not credible or reliable.

6. Respondent's report contained material misrepresentations and omissions of material fact as detailed above.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103.
2. Respondent violated the above-noted provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(6).
3. Respondent made material misrepresentations or omissions of material facts as prohibited by 22 TEX. ADMIN. CODE § 153.20(a)(12).
4. The parties are authorized to resolve their dispute by means of a consent order in accordance with Tex. Occ. Code §1103.458.

ORDER

Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's Texas appraiser certification be suspended for a period of 12 months, effective 5:00 p.m. (CST) on November 21st, 2014. IT IS FURTHER ORDERED that beginning at 5:00 p.m. (CST) on November 21st, 2014, the suspension is to be fully probated for 12 months ending 5:00 p.m. (CST) on November 20th, 2015, subject to the following terms and conditions:

1. **EDUCATION.** On or before May 20th, 2015, Respondent shall submit documentation of attendance and successful completion of the classes set out below to the Board. All classes required by this Order must be classes approved by the Board. Unless otherwise noted below, all classes must require in-class attendance and have an exam. Respondent must receive a passing grade on the exam given in each class. None of the required classes will count toward Respondent's continuing education requirements for licensure. **Respondent is solely responsible for locating and scheduling classes to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion of the course in the event of course cancellation or rescheduling by the course provider.**
 - A. A minimum 15 classroom hour course in USPAP;
 - B. A minimum 7 classroom hour course in the cost approach and site valuation;
and,
 - i. No examination shall be required for this course;
 - C. A minimum 7 classroom hour course in residential report writing.
 - i. No examination shall be required for this course;

2. **MENTORSHIP.** On or before February 20th, 2015, Respondent shall complete 8 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board in accordance with the schedule and topics set out below. Respondent shall submit a certification of completion signed by the approved certified USPAP instructor on or before the due date listed for the mentorship requirement. Respondent shall also submit a signed copy of the Guidelines for Texas Appraiser Licensing and Certification Board Mentors and Mentees form on or before the due date listed for the mentorship requirement. **Respondent is solely responsible for locating and scheduling an approved mentor to timely satisfy this Order and is urged to do so well in advance of any compliance deadline to ensure adequate time for completion.** The 8 hours of mentorship shall include:
 - A. 4 hours on comparable sales selection; and,
 - B. 4 hours on the sales comparison approach and making adjustments to sales;
3. **NO TRAINEES.** Respondent shall not sponsor or supervise any appraiser trainees for the duration of the above-referenced 12 month probation period;
4. Fully and timely comply with all of the provisions of this Agreed Final Order; and,
5. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ACKNOWLEDGMENT AND WAIVER

Respondent's failure to timely comply with any term in this agreed final order, which has a specific stated due date, shall result in the automatic revocation of probation and the suspension imposed in this agreed final order shall be effective for the full term and amount, commencing on the effective date of the revocation of probation. If Respondent fails to timely comply with any term in this agreed final order, which has a specific, stated due date, the Respondent shall also be immediately assessed a \$1,000 administrative penalty.

Any such suspension shall be effective without the need for a hearing or other administrative due process under the Texas Appraiser Licensing and Certification Act or the administrative procedure act and Respondent specifically waives any such hearing or due process.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing, any motion for rehearing, and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's website.

I have read and reviewed this entire Agreed Final Order fully and am entering into it of my own free will to avoid the expense of litigation and to reach an expeditious resolution of the matter. I neither admit nor deny that the findings of fact and conclusions of law contained herein are correct. I understand all of my compliance obligations under this Agreed Final Order and the consequences for failing to comply with those obligations.

I understand that the board and its staff cannot provide me with legal advice and I am aware of my right to be represented by an attorney of my own choosing. I am aware of my right to a hearing, and hereby waive a hearing and also waive any right to seek judicial review of this Agreed Final Order, including for any subsequent action resulting from my failure to timely comply with an administrative requirement of this Agreed Final Order (e.g. payment of a penalty, completion of remedial education, or failure to provide logs).

DELIVERY OF DOCUMENTS AND PAYMENTS FOR COMPLIANCE

Respondent is solely responsible for timely delivery to the Board of all documents and payments necessary for compliance of this Agreed Final Order. Payment of any administrative penalties due must be in the form of a cashier's check or money order made payable to the "Texas Appraiser Licensing and Certification Board" and delivered via certified mail, return receipt requested. Respondent shall retain documentation (reply email, fax confirmation, return receipt, etc.) confirming timely receipt by the Board of all the documents necessary for compliance with this Agreed Final Order.

Respondent shall send all documents and payments necessary for compliance by: (1) email to: compliance.talcb@talcb.texas.gov; (2) fax to: (512) 936-3966, attn: Compliance; or (3) certified mail, return receipt requested, to: Standards & Enforcement Services, Texas Appraiser Licensing & Certification Board, Stephen F. Austin Building, 1700 N. Congress Ave., Suite 400, Austin, TX 78701.

EXECUTION

This agreement may be executed in one or more counterparts, in form of electronic mail, facsimile, or other written expression of agreement, each of which shall be deemed an original and together shall comprise evidence of full execution of the agreement.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

RESPONDENT

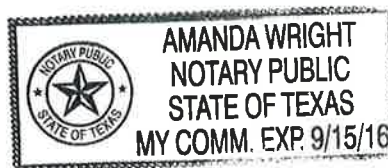
Signed this 23 day of August, 2014.

BEN AUTRY CAMPBELL, JR.
BEN AUTRY CAMPBELL, JR.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 23rd day of August, 2014, by BEN AUTRY CAMPBELL, JR., to certify which, witness my hand and official seal.

AMANDA WRIGHT
Notary Public Signature

AMANDA WRIGHT
Notary Public's Printed Name



BOARD STAFF ATTORNEY

Signed by the Standards and Enforcement Services Division this 2nd day of SEPTEMBER, 2014.

Troy Beaulieu
Troy Beaulieu, Staff Attorney
Texas Appraiser Licensing and Certification Board

BOARD COMMISSIONER

Signed by the Commissioner this 21 day of NOV, 2014.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

BOARD CHAIRPERSON

Approved by the Board and Signed this 21 day of November, 2014.

JAMIE S. WICKLIFE
Jamie S. Wickliffe, Chairperson
Texas Appraiser Licensing and Certification Board